

## **Tidepool Coalition aka**

COALITION TO PRESERVE and RESTORE PT. PINOS TIDEPOOLS

P.O. Box 433, Pacific Grove, California 93950

**Within these areas, no risk of change is considered acceptable unless it is part of a natural process\***

February 12, 2006

The Honorable Sam Farr, Representative  
17th Congressional District  
1221 Longworth House Office Building  
Washington, D. C. 20515

Dear Congressman Farr:

I am writing to you as the Chairman of the Tidepool Coalition, a local grassroots marine environmental organization, whose sole purpose since 1997 has been to preserve and restore the Pacific Grove Marine Gardens Fish Refuge. As you may know, this historic refuge is one of the city's most treasured natural resources with its abundant and diverse marine life. In 1931 the State Legislature granted to the city of Pacific Grove its waterfront and submerged lands out to a depth of 60 feet.

I am sorry to report that under the current Marine Life Protection Act (MLPA) Initiative, the Central Coast Regional Stakeholders Group (CCRSG) have proposed to split our city owned refuge into three distinct smaller entities with different names and regulations. These three proposals are part of the implementation of Assembly Bill 993 passed in 1999 mandating reorganization of California's marine refuges and reserves. The purpose of this bill is to address the issues of our 'oceans in crisis,' and to designate a number and network of Marine Protected Areas (MPA's) along the California coast. The first MLPA pilot study is being implemented on the central California coast.

As you may know, the highest designation for an MPA is a State Marine Reserve (SMR) which allows no extractive activities. There is strong scientific evidence that State Marine Reserves (SMR's) should be a minimum of 3 to 6 linear miles for optimum benefits to marine life. The Pacific Grove Refuge bordering the city's coastline is approximately 3 miles in length, and would be a classic model SMR for the State of California.

In 1999-2000 the people of Pacific Grove through the leadership of the Tidepool Coalition supported a successful Pacific Grove Marine Gardens Fish Refuge Marine Conservation and Preservation Initiative (20% of the voters) which was adopted by the Pacific Grove City Council, May 17, 2000 as Municipal Ordinance 00-12. The intent of the Initiative was to prohibit unmonitored and unmanaged legal harvesting of marine life from our refuge. The Initiative became local law and cannot be changed without a vote of the people.

In light of A.B. 993 and the overwhelming evidence that conservation of the oceans is not only a state, but a national concern, the City of Pacific Grove passed Resolution 5-035 on October 5, 2005 seeking a designation of its refuge as a State Marine Reserve. The Coalition has over 5000 signatures on petitions for total protection of our refuge, and we could get a thousand more in a short period if/when the need arises to protect this magnificent and irreplaceable marine treasure.

Now the MLPA CCRSG and Department of Fish and Game have three proposals to present to the MLPA Blue Ribbon Task Force (BRTF) which will dismember and rename the Pacific Grove Marine Garden Fish Refuge, allocating 1/3 of it as a SMR adjunct to Hopkins Marine Station, 1/3 as a SMR in the Pt. Pinos area and the center at the heart of our refuge to be designated as a State Marine Conservation Area (SMCA) where extractive activities are permitted. Even the name SMCA itself is misleading and a misnomer as it is not conservation in the truest sense, for it allows various extractive activities including commercial kelp harvesters which are currently taking 4 -5 tons per week from our refuge. This simply doesn't make sense in an area which holds special biological, archeological, historical and cultural significance. Keep in mind the Pacific Grove Marine Garden Fish Refuge is the only fish refuge in the State of California, and lies within a National Marine Sanctuary. The public has been led to believe it is a haven for fish and other marine life, but that has not been the case. Unfortunately, the people of Pacific Grove were denied a voice at the negotiating table of the MLPA CCRSG which is contrary to the spirit and intent of A.B. 993.

From an historical perspective, we are very appreciative of the work the Farr family has done in marine conservation on the Monterey Peninsula. In 1963 Senator Fred Farr successfully carried Senate Bill 1006 to establish the Pacific Grove Marine Gardens Fish Refuge (PGMGFR). On June 13, 1963 Pacific Grove City Manager, Lowell W. Morse wrote Governor Edwin G. Brown "urging support of SB 1006 establishing the marine refuge in Pacific Grove. This bill is important to our city and the state for the beautification and conservation of our natural resources."

Another champion of marine protection in Pacific Grove was Senator Henry Mello, a man I am sure both you and your father knew personally. Senator Mello introduced Senate Bill 1812, February 14, 1984 extending the boundary of the PGMGFR to match the boundaries of the ocean side of Pacific Grove out to a depth of 60 feet. In his letter to Governor Deukmejian, Senator Mello wrote. "this bill will change refuge boundaries to match the city limit boundary. The City is concerned that their tide pool resources are being depleted by visitors removing tide pool life." This bill was passed unanimously in both the Senate and Assembly.

In carrying on the Farr family tradition of marine conservation on the Monterey Peninsula and as our Congressman, we are asking you to intercede in this controversy because Pacific Grove's Refuge lies within a National Marine Sanctuary and is also part of the National Coastal Monument System. We would like you to help us guarantee into perpetuity, if possible, for the people of Pacific Grove and the State of California, a fully protected Pacific Grove Marine Garden Fish Refuge State Marine Reserve.

It would appear the MLPA CCRSG have failed to recognize the significance of the city's \*Coastal Parks Plan mandated by the California Coastal Commission and adopted by the Pacific Grove City Council August, 1998. Chapter 6 on Water and Marine Resources, it "seeks to maximize protection of the rich and diverse water and marine resources along the Pacific Grove shoreline. In particular Pacific Grove Marine Gardens Fish Refuge and Hopkins Marine Life Refuge are areas of extraordinary value and warrant special protection, including preservation and maintenance of their natural condition. Within these areas, not risk of change to their environment is considered acceptable unless it is part of the natural process."

Please be aware that we have also had unfailing support from the local Peninsula Democratic Club dating back to 1999 when we first started our campaign to preserve and restore this unique and complex ecosystem continuum. I am enclosing the latest letter of endorsement which I believe has already been sent to you by Mr. David Stanley, legislative correspondent.. We intend to seek the support from the State's Democratic Committee on this issue as well.

We have also had support from the Ohlone Costanoan Esselen Indian Nation in protecting their natural heritage. Like the native Americans, we must all be stewards of this ancient land and we believe this refuge is truly a State and National marine treasure worthy of full protection, preservation and restoration. It is our goal that we will leave as a lasting legacy an intact ecological continuum, and that the Pacific Grove Refuge will be recognized by the MLPA BRTF and Fish and Game Commission as one of the most abundant and diverse marine areas in the temperate zones of North America, worthy of a State Marine Reserve designation.

Lastly, the people of Pacific Grove appreciate and realize the potential economic opportunities afforded to our area as a coastal tourist destination, including a magnificent underwater experience for recreational non extractive divers to view and photograph west coast marine life in a pristine and undisturbed ecological habitat.

Will you support the people of Pacific Grove and countless other marine conservationists on the peninsula as well as the Tidepool Coalition as we again seek intervention from our elected officials to retain the integrity of the Pacific Grove Marine Gardens Fish Refuge, and establish it as a State Marine Reserve without changing its name or boundaries? After you have studied this situation as I have outlined in this letter, we would hopefully appreciate a reply in the near future. Thank you very much.

Yours very truly,

James Willoughby, Chairman

P.S. We are holding a Conservation Rally on March 11 at 11 a.m. on the sidewalks in front of the Monterey Bay Aquarium, "the epicenter of marine conservation on the Monterey Peninsula." We will be circulating petitions, possibly one for you. We invite you to join us, and hopefully enjoy the Rally. We would be honored by your presence.

Cc: Governor Schwarzenegger  
Dianne Feinstein  
Barbara Boxer  
Ryan Broddrick  
Phil Isenberg  
John Laird  
Mike Chrisman  
Jim Colangelo  
Peninsula Democratic Club  
Ohlone Costanoan Esselen Nation